

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

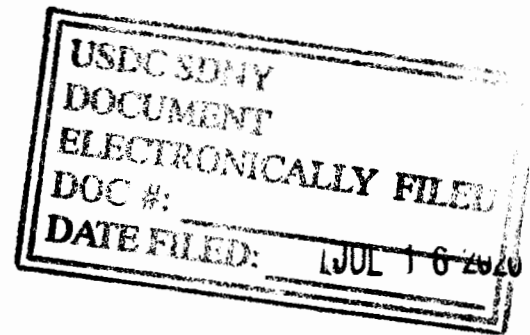
-----X
MARY ELLEN TOOHEY, SHERRY
CAMPBELL, SCYNETTE COOK, JULIA
GREENWOOD, IRENE LOFTIN, ELAINE
SHERRY, and HOWARD ZUBIN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

-against-

PORTFOLIO RECOVERY ASSOCIATES,
LLC, MALEN & ASSOCIATES, P.C.,

Defendants.
-----X



No. 15 Civ. 8098 (GBD)

~~PROPOSED~~ **ORDER GRANTING CLASS COUNSEL'S**
ATTORNEYS' FEES AND EXPENSES AWARD

WHEREAS, an action is pending before this Court entitled *Toohey, et al. v. Portfolio Recovery Associates, LLC, et al.*, No. 15 Civ. 8098 (the “Action”);

WHEREAS, Plaintiffs Mary Ellen Toohey, Sherry Campbell, Scynette Cook, Julia Greenwood, Irene Loftin, Elaine Sherry, and Harry Zubin (collectively the “Plaintiffs” or “named Plaintiffs”), on behalf of themselves and the Settlement Class (defined below), and Portfolio Recovery Associates, LLC (“PRA”) and Malen & Associates, P.C. (“Malen”) (collectively the “Defendants”) have entered into a Stipulation and Agreement of Settlement dated November 30, 2019 (the “Settlement Agreement”), that provides for a complete dismissal with prejudice of the claims asserted against Defendants in the Action on the terms and conditions set forth in the Settlement Agreement, subject to the approval of this Court (the “Settlement”);

WHEREAS, all capitalized terms used in this Order that are not otherwise defined herein have the meanings defined in the Settlement Agreement;

WHEREAS, by Order dated March 5, 2020 (the “Preliminary Approval Order”), this Court: (a) preliminarily approved the Settlement; (b) certified the Settlement Class solely for purposes of effectuating the Settlement; (c) ordered that notice of the proposed Settlement be provided to potential Class Members; (d) provided Class Members with the opportunity either to exclude themselves from the Settlement Class or to object to the proposed Settlement; and (e) scheduled a hearing regarding final approval of the Settlement;

WHEREAS, due and adequate notice has been given to the Settlement Class;

WHEREAS, the Court conducted a hearing on July 16, 2020 (the “Fairness Hearing”) to consider, among other things, (a) whether the terms and conditions of the Settlement are fair, reasonable and adequate to the Settlement Class, and should therefore be approved; and (b) whether a judgment should be entered dismissing the Action with prejudice as against the Defendants;

WHEREAS, the Court reviewed and considered the Settlement Agreement, all papers filed and proceedings held herein in connection with the Settlement, all oral and written

comments received regarding the Settlement, and the record in the Action, and, good cause appearing therefor, has entered its final Approval Order and Judgment as to the Settlement;

WHEREAS, section IV.H of the Settlement Agreement provides for an Attorneys' Fees and Expenses Award in the amount of \$995,000, subject to the Court's approval, to which Defendants may not object;

WHEREAS, pursuant to section IV.A.33 & -36 of the Settlement Agreement, the total Settlement Amount, less the Attorneys' Fees and Expenses Award, is \$500,000, which is the maximum in statutory damages available for a class under Section 1692k(a)(2)(B) of the Fair Debt Collection Practices Act ("FDCPA"), which the Court has found governs the claims here;

WHEREAS, the Court has reviewed and considered the memoranda and declarations submitted by Class Counsel that were filed in support of the motions for preliminary and final approval of the Settlement, and that detailed how an Attorneys' Fees and Expenses Award in the amount of \$995,000 represents a deep discount on the total amount of time expended and costs incurred by Class Counsel in prosecuting this Action;

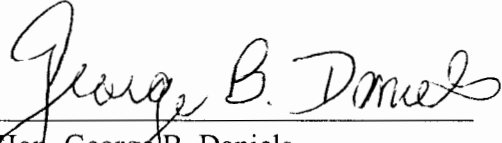
WHEREAS, the notice to the Settlement Class disclosed that an Attorney's Fees and Expenses Award in the amount of \$995,000 would be applied for at the Fairness Hearing; and

WHEREAS, no objections have been lodged in response to the notice to the Settlement Class;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Class Counsel's application for an Attorneys' Fees and Expenses Award as provided for in the Settlement Agreement is granted.
2. Class Counsel will receive an Attorneys' Fees and Expenses Award in the amount of \$995,000.
3. Pursuant to section IV.A.20 of the Settlement Agreement, the Attorneys' Fees and Expenses will be paid from the Settlement Fund.

SO ORDERED this 16 day of July, 2020.



Hon. George B. Daniels
United States District Judge